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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,)	CR-09-125-PHX-SRB (DKD)
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
Carlos Cernak,)	
)	
Defendant.)	

This case arises on Defendant's Motion to Continue Admit/Deny Hearing, filed on July 18, 2014. (Doc. 57)

On June 27, 2014, Defendant was arrested for allegedly violating the terms and conditions of his supervised release. On June 30, 2014, an initial appearance was held, defense counsel was appointed, and Defendant waived and submitted the detention and preliminary revocation hearing issues. (Doc. 53) Defendant was held to answer the allegations in the petition and detained as a serious flight risk. (*Id.*) An admit/deny hearing was set for July 22, 2014 at 10:30 a.m. in Courtroom 302, 401 West Washington Street, Phoenix, AZ 85003 before the undersigned Magistrate Judge.

Defendant filed the subject motion, requesting a continuance for an unspecified period because the "Government has just advised that a new charge is pending filing . . . [and c]ounsel for Defendant needs the opportunity to explore the possibility of resolving the issues on a consolidation basis which may well be in the Defendant's [best] interest." (Doc.

1 57 at 1) Defense counsel represents that “[A]ssistant United States Attorney, Frederick
2 Battista, does not oppose this Motion.” (*Id.*)

3 Federal Rule of Criminal Procedure 32.1(b)(2) mandates that a district court “must
4 hold the revocation hearing *within a reasonable time* in the district having jurisdiction.”
5 (emphasis added). Rule 32.1(b)(2), Fed.R.Crim.P., however, does not address what
6 constitutes a “reasonable time” or establish the legal standard to authorize a continuance
7 once an admit/deny or revocation hearing has been set.

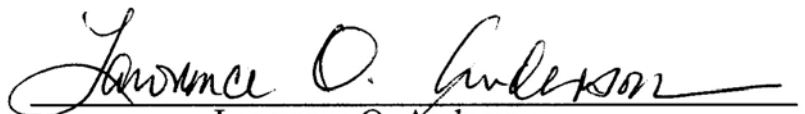
8 Because Defendant himself is requesting the continuance; there have been no prior
9 continuances of Defendant’s admit/deny or revocation hearing; the Government has no
10 objection to the continuance request; and it is the best interests of the public, Defendant, and
11 the fair and efficient administration of justice to grant a hearing continuance, which may
12 result in the resolution of two cases at one time, good cause exists to grant the continuance
13 request.

14 Accordingly,

15 **IT IS ORDERED** that Defendant’s Motion to Continue Admit/Deny Hearing, doc.
16 57, is **GRANTED**.

17 **IT IS FURTHER ORDERED** that the July 22, 2014 admit/deny hearing is hereby
18 **VACATED** and reset to **Tuesday, August 26, 2014 at 10:00 a.m.** before the undersigned
19 Magistrate Judge in Courtroom 302.

20 Dated this 21st day of July, 2014.

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23 Lawrence O. Anderson
24 United States Magistrate Judge
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